

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

AUSTIN ECKES,

Plaintiff,

v.

INDIANA DEPARTMENT OF  
CORRECTIONS,

Defendant.

CAUSE NO. 3:20-CV-444-DRL-MGG

OPINION & ORDER

Austin Eckes, a prisoner without a lawyer, sent the court two documents that were inadvertently used to open this case. The first document is titled Information and alleges the Indiana Department of Correction has committed federal crimes. The other document is titled Affidavit for Probable Cause and is presented in support of the charges listed in the Information. It appears Mr. Eckes is trying to file a criminal case. However, the clerk knows he cannot do that, so these submissions were used to open a civil case.

A filing by an unrepresented party “is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). However, Mr. Eckes did not submit a complaint, and it does not appear he was trying to file a civil lawsuit. He is an experienced litigator who has filed five previous cases in this court and twelve in the Southern District of Indiana. He definitely knows how to file a complaint if he wants to initiate a civil lawsuit. Since he did not do so, it would not be reasonable to construe these filings as a complaint. Mr. Eckes should know if he wants to file a civil case in this court, he needs to use the **Pro Se 14 (INND Rev. 2/20) Prisoner Complaint** form, which is available in his prison law library.

For these reasons, this case is DISMISSED as INADVERTENTLY OPENED.

SO ORDERED.

June 8, 2020

s/ *Damon R. Leiby*  
Judge, United States District Court